

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GRANT HOUSE, et al.,
Plaintiffs,
v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, et al.,
Defendants.

Case Nos. 4:20-cv-03919 CW
4:20-cv-04527 CW

ORDER DENYING WITHOUT
PREJUDICE MOTION TO STAY
DISCOVERY

Re: Docket No. 138 in Case
No. 4:20-cv-03919 CW

Docket No. 105 in Case No.
4:20-cv-04527 CW

TYMIR OLIVER,
Plaintiff,
v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, et al.,
Defendants.

Now before the Court are Defendants'¹ motions to stay
discovery in two separate actions: (1) House v. National
Collegiate Athletic Association, 4:20-cv-03919 (House), and (2)
Oliver v. National Collegiate Athletic Association, 4:20-cv-04527
(Oliver). Defendants request that discovery be stayed pending
the Supreme Court's resolution of National Collegiate Athletic

¹ Defendants are the National Collegiate Athletic Association (NCAA), Pac-12 Conference, The Big Ten Conference, The Big 12 Conference, Southeastern Conference, and Atlantic Coast Conference.

1 Association v. Alston (No. 20-512) and American Athletic
 2 Conference v. Alston (No. 20-520), and that discovery deadlines
 3 be tolled. Defendants argue that principles of fairness and
 4 judicial economy counsel in favor of staying discovery pending
 5 the Supreme Court's decision, which is expected by the end of
 6 June 2021,² because it could simplify the issues in House and
 7 Oliver and render some of the discovery in these actions
 8 unnecessary. Defendants further contend that Plaintiffs would
 9 suffer no prejudice as a result of the stay because it would last
 10 no more than five months.

11 Plaintiffs³ oppose the motions. They argue that a stay is
 12 inappropriate where, as here, Plaintiffs seek injunctive relief
 13 to prevent ongoing and future harm. Plaintiffs contend that a
 14 stay "will delay any injunctive relief, harming Plaintiffs and
 15 the putative class," because it will result in the extension of
 16 the case schedule. Opp'n at 2-3. Plaintiffs further argue that
 17 Defendants have not met their burden to show that they would
 18 suffer hardship if discovery is not stayed. Lastly, Plaintiffs
 19 contend that a stay would not promote judicial economy because
 20 the potential impact of the Supreme Court's decision on House and
 21 Oliver is unclear.

22 "A district court has discretionary power to stay
 23 proceedings in its own court[.]" Lockyer v. Mirant Corp., 398
 24 F.3d 1098, 1109 (9th Cir. 2005) (citing Landis v. North American

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 27 ² Oral argument is scheduled for March 31, 2021.

28 ³ The named plaintiffs in House are Sedona Price and Grant House,
 and the named plaintiff in Oliver is Tymir Oliver (collectively,
 Plaintiffs).

1 Co., 299 U.S. 248, 254 (1936)). Courts in the Ninth Circuit
2 employ the following framework to determine whether to grant a
3 request for a stay:

4 Where it is proposed that a pending
5 proceeding be stayed, the competing
6 interests which will be affected by the
7 granting or refusal to grant a stay must be
8 weighed. Among those competing interests
9 are the possible damage which may result
10 from the granting of a stay, the hardship or
11 inequity which a party may suffer in being
12 required to go forward, and the orderly
13 course of justice measured in terms of the
14 simplifying or complicating of issues,
15 proof, and questions of law which could be
16 expected to result from a stay.

17 Id. (quoting CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir.
18 1962)).

19 The Court finds that, while the Supreme Court's decision
20 could affect the issues in House and Oliver, the balance of
21 hardships between the parties weighs against granting a stay at
22 this time. Plaintiffs have shown that a stay could significantly
23 delay the injunctive relief they seek in House and Oliver, which
24 would cause them harm. "Landis cautions that 'if there is even a
25 fair possibility that the stay . . . will work damage to some one
26 else,' the party seeking the stay 'must make out a clear case of
27 hardship or inequity.'" Id. at 1112 (quoting Landis, 299 U.S. at
28 255). Here, Defendants have presented no evidence showing that
they would suffer hardship or inequity if they are required to
conduct document discovery pursuant to the current discovery plan
while awaiting the Supreme Court's decision.⁴ In the absence of

⁴ Under the case management order currently in place, only document discovery is proceeding.

1 such evidence, the Court cannot conclude that Defendants have met
2 their burden to show that a stay would be appropriate.

3 Accordingly, the Court DENIES WITHOUT PREJUDICE Defendants'
4 request for a stay of discovery pending the Supreme Court's
5 decision. The parties shall proceed to substantial completion of
6 production of documents on June 1, 2021, as contemplated by the
7 existing case management order. If the legal posture of the cases
8 changes, Defendants may file a renewed motion for a stay.

9 IT IS SO ORDERED.

10 Dated: February 25, 2021



11 CLAUDIA WILKEN
12 United States District Judge
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